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NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

SUKHMIT SINGH,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 05-75065

Agency No. A79-134-229

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted June 18, 2008^{**}

Before: REINHARDT, LEAVY, and W. FLETCHER, Circuit Judges.

Sukhmit Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals' order dismissing an appeal from an immigration judge's ("IJ") decision denying his application for asylum, withholding of removal,

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

and protection under the Convention Against Torture (“CAT”). Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence claims for withholding of removal and CAT relief. *Lanza v. Ashcroft*, 389 F.3d 917, 933, 936 (9th Cir. 2004). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency’s determination that Singh failed to timely file his asylum application because the underlying facts are disputed. *Cf. Ramadan v. Gonzales*, 479 F.3d 646, 650 (9th Cir. 2007) (per curiam).

With respect to withholding of removal, substantial evidence supports the IJ’s denial based on her finding that Singh may relocate to Bombay. *See* 8 C.F.R. § 208.16(b)(3); *see also Gonzalez-Hernandez v. Ashcroft*, 336 F.3d 995, 999, 1001 n.5 (9th Cir. 2003).

Substantial evidence also supports the agency’s denial of CAT relief because Singh failed to establish that internal relocation is not possible. *See* 8 C.F.R. § 208.16(c)(3)(ii).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.